

Evidentiary Issues

Digital Images

Commonwealth v. Lenesi

Appeals Court, May 15, 2006

Digital images placed and stored in a computer hard drive and transferred to a compact disc are subject to the same rules as videotapes.

The defendant worked alone in a convenience store and was caught on surveillance cameras stealing lottery tickets. The surveillance system consisted of motion cameras that were connected to a computer. The video images captured by the cameras were recorded on the computer's hard drive. When the store owner discovered the lottery tickets were missing, he viewed the defendant's video images on the computer from the night the tickets disappeared. He then transferred the pertinent portions of the images to a compact disc (CD). The defendant was subsequently charged with larceny of property over \$250.

During the trial, the CD was introduced into evidence and played to the jury. Prior to admitting the CD, the store owner testified that he had reviewed the CD and that he recognized it as a fair and accurate representation of the images he had previously viewed of the defendant. The defendant claimed that the judge abused his discretion in admitting the CD and argued that the CD was untrustworthy, incomplete and manufactured.

The court held that digital images placed and stored in a computer hard drive and transferred to a CD are subject to the same rules of evidence as videotapes: they must (1) be relevant; (2) provide a fair representation of that which they purport to depict; and (3) not otherwise be barred by the exclusionary rule.